

1 The Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 BOTIMA MANGUNGU and GRACE
10 MANGUNGU,

11 Plaintiffs,

12 v.

13 CITY OF SEATTLE; SEATTLE POLICE
14 DEPARTMENT; OFFICER TOM CONRAD
and JANE DOE CONRAD, husband and
15 wife and the marital community composed
thereof; and SERGEANT STEVEN
16 JANDOC and JANE DOE JANDOC,
husband and wife and the marital
community composed thereof,

17 Defendants.

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19 No. C03-1053P

DEclaration of JENNIFER A.
TRAN IN SUPPORT OF CITY'S
MOTION FOR
RECONSIDERATION AND
ALTERNATIVE MOTION
REQUESTING CERTIFICATE OF
APPEALABILITY

**NOTED ON MOTION CALENDAR:
TUESDAY, MAY 11, 2004**

20 JENNIFER A. TRAN declares as follows:

21 1. I am one of the attorneys of record for the defendant City of Seattle and
make this declaration based on my own personal knowledge.

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23 DECLARATION OF JENNIFER A. TRAN IN
SUPPORT OF CITY'S MOTION FOR
RECONSIDERATION, ETC.- 1

C03-1053P

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STAFFORD FREY COOPER
Professional Corporation
ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
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2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's First Set of Interrogatories and Requests for Production to the City and the City's Responses Thereto.

3. None of the files produced to the court involved Mr. Mangungu. None of the files involved the named defendant officers. None of the files involved allegations that officers improperly responded to information ascertained from tracking devices used to locate stolen money and/or robbery suspects. And only one of the 55 files involved a “substantiated” claim.

4. On Monday, May 3, 2004, I telephoned the court seeking clarification of the Order as it relates to civilian witnesses, police officer witnesses, medical records and criminal history records. I was informed that I must move for clarification of the issues. Accordingly, on that day, the City filed its motion for clarification of the Order and sought an extension of time pending the court's ruling. The next day, the court telephoned the City and noted the court did not intend the Order to allow for the redaction of any identifying information of civilian witnesses or police officer witnesses, nor did the Order intend to preclude the disclosure of medical records and criminal history records. In light of the court's oral clarification, the City determined that its motion for clarification was moot, and agreed to the strike the motion. The court subsequently entered a Minute Order clarifying the Court's previous order. The court struck the City's motion for clarification, but deferred its ruling on the City's request for an extension of time after Plaintiff's responsive briefing.

I declare under penalty of perjury according to the laws of the State of Washington that the foregoing is true and correct.

DECLARATION OF JENNIFER A. TRAN IN
SUPPORT OF CITY'S MOTION FOR
RECONSIDERATION, ETC.- 2

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1 DATED this 11th day of May, 2004, at Seattle, Washington.
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/s/Jennifer A. Tran via ECF

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DECLARATION OF JENNIFER A. TRAN IN
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Certificate of Service

I certify that on the date noted below I presented DECLARATION OF JENNIFER A. TRAN IN SUPPORT OF CITY'S MOTION FOR RECONSIDERATION AND ALTERNATIVE MOTION REQUESTING CERTIFICATE OF APPEALABILITY to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following persons:

Andrew Schwarz
awslaw@wolfnet.com
119 - 1st Avenue, #320
Seattle, WA 98104
(206) 622-9909
FAX: (206) 622-6636
Attorney for Plaintiffs

and I certify that I have caused to be served in the manner noted below a copy of the above-listed document to the following non CM/ECF participants:

- Via Facsimile
- Via First Class Mail
- Via Messenger

DATED this 11th day of May, 2004, at Seattle, Washington.

/s/ Jennifer A. Tran, via ECF
Jennifer A. Tran, WSBA #28756

DECLARATION OF JENNIFER A. TRAN IN
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